

PATENT

Customer No.: 6980

Docket No.: STAT1130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Owner: SIPCO LLC)	Group Art Unit: 2661
)	
Applicant: PETITE, Thomas D.)	Examiner: SAM, PHIRIN
)	
Patent No.: 6,914,893 (App. No.: 09/812,044))	Confirmation No: 9344
)	
Issued: 5 JULY 2005)	Docket No.: STAT1130
)	
Title: SYSTEM AND METHOD FOR)	
MONITORING AND CONTROLLING)	
REMOTE DEVICES)	

In accordance with 37 C.F.R. § 1.8, I certify that this correspondence is being transmitted to the Commissioner for Patents, MAIL STOP PETITION, P.O. Box 1450, Alexandria, VA 22313 via the USPTO's EFS-Web Electronic Filing System on **21 JANUARY 2009**.

/jameshuntYanceyjr53809/
James Hunt Yancey, Jr., USPTO Reg. No. 53,809

37 C.F.R. 1.132 DECLARATION OF THOMAS D. PETITE

Dear Honorable Sir:

I, Thomas D. Petite, declare as follows:

1. I acknowledge, under the penalty of perjury pursuant to 18 U.S.C. § 1001, that willful false statements and the like are punishable by fine or imprisonment, or both, and may jeopardize the validity of the above identified patent. I have personal knowledge of the statements and information contained herein. All statements made below on my knowledge are true, and all statements made below on information and belief are believed to be true. For any statements made regarding legal concepts, I have relied on counsel explaining such concepts to me thus I provide no legal judgments or opinions herein. I make this declaration in support of the contemporaneously submitted *Patent Owner's Rule 183 Petition Requesting Confirmation of the Priority Claim Amendment Submitted During Prosecution & Alternative Rule 78 Petition For Acceptance of a Priority Claim* ("the Petition").

2. I am the inventor of the inventions claimed in United States Patent Number 6,914,893 (“the Patent”). The USPTO issued the Patent after Primary Examiner Phirin Sam fully allowed United States Non-Provisional Patent Application Number 09/812,044 (“the Application”). In addition to providing instructions to counsel regarding the preparation and prosecution of the Application, I worked with counsel in preparing and prosecuting the Application through issuance of the Patent. Thus, I have personal knowledge of the Application’s prosecution path through the USPTO.

3. The Patent is currently owned by SIPCO, LLC (“SIPCO”). I am currently an officer of SIPCO. There have been a number of corporate transactions involving the Patent and intermediary corporations that led to the transfer of the Patent to SIPCO. During all of the corporate transactions, I was involved with the intermediary corporations in varying corporate capacities (including, for example, officer, manager, and shareholder) and thus have personal knowledge of the Patent as an asset since the Application was filed on 19 March 2001. Also, the Patent is currently the subject of a litigation proceeding in which the ownership of the Patent has been contested by an opposing party. In any event, ownership of the Patent, in my view, does not affect or disturb the facts set forth in this declaration.

4. When filed on 19 March 2001, the Application claimed priority to a number of parent patent applications. Unknown to me, at the time of filing the Application, the priority claim contained a typographical error. The application number for a parent application contained a minor scrivener’s error (herein referred to as the “typographical error”).

5. In a corporate capacity, I transferred the Application to the law firm of Troutman Sanders LLP in fall 2004 while it was pending at the USPTO. At Troutman Sanders LLP, Ryan A. Schneider, Esq. managed prosecution of the Application. Unknown to me, when the Application was transferred to Troutman Sanders LLP, the Application’s priority claim contained the typographical error.

6. Primary Examiner Sam examined the Application that issued as the Patent. Examiner Sam issued a first *Office Action* on 20 August 2004, and on page 2 of the *Office Action*,

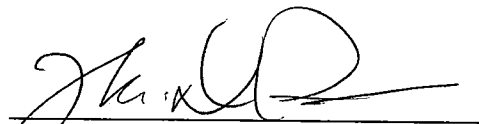
Examiner Sam identified the typographical error existing in the Application's priority claim. Only until after reviewing the Examiner's *Office Action* did I learn of the typographical error in the Application's priority claim. As the Examiner noted in the *Office Action*, the typographical error resulted from a substitution of "90" in the place of "04" in a parent application's serial number (the Application as filed referenced 09/790,150 but intended to reference 09/704,150).

7. After mailing of Examiner Sam's *Office Action*, Schneider filed a 3 November 2004 *Response and Amendment* ("*Response*") responding to the *Office Action*. In this *Response*, Schneider submitted an amendment to clarify the typographical error appearing in the Application's priority claim.

8. The USPTO issued the Patent with a reference to the correct priority application after Examiner Sam fully allowed the Application. After receiving the issued Patent, Schneider's firm mailed the Patent to me for safekeeping. In recently reviewing the Patent and its prosecution history with litigation counsel in preparation for potential litigation, I learned that a potential issue existed with the Patent's priority claim.

9. After consultation with Schneider, it was promptly decided to file the Petition out of an abundance of caution to address the potential issue with the Patent's priority claim. I discussed the Petition with Schneider's team and after finalizing it with me, Schneider's team filed the Petition with the USPTO's Petitions Office (on an even date as this *Declaration*). As a result, I believe I acted with haste to ensure that any delay in submitting the Petition was unintentional when determining that Examiner Sam may have inadvertently waived Rule 78(a)(3) during prosecution of the Patent.

This 20 day of January, 2009.


Thomas D. Petite